REMARKS

This amendment is in response to the Official Action dated March 2, 2009. Claims 1 and 6 have been amended, claim 3 has been canceled, and claims 7 and 8 have been added; as such, claims 1-2 and 4-8 are now pending in this application. Claims 1 and 6 are independent claims. Claims 1 and 6 have been amended to incorporate the features of claim3 and to clarify the features previously recited. Reconsideration and allowance is requested in view of the claim amendments and the following remarks. Support for these amended claims can be found, for example in paragraph [0045] of the specification as represented in U.S. Pub. No. 2006/0238835.

35 USC § 103 Rejections

Claims 1-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Savoie (U.S. 6,571,051, hereinafter refereed to as "Savoie '051") in view of Norton (U.S. 6,016,380, hereinafter referred to as "Norton '380"). Applicant respectfully traverses this rejection.

Since claim 3 has been canceled, Applicant respectfully requests withdrawal of this rejection.

Claim 1 recites:

An editing apparatus comprising:

an edit list recognition unit *for recognizing an edit list describing edit contents in a general-purpose data description language, the edit contents used for creating a series of video content by editing a plurality of edit material;*

a video content creation unit *for creating the video content by performing an editing process on the plurality of edit material based on the edit contents of the edit list wherein the video content creation unit creates the video content by executing the editing process after converting the plurality of edit material into a prescribed edit format suitable for the editing process and extracting desired video content of the plurality of edit material based on a plurality of edit point information;*

>*an editing processor for performing an editing process on the video content created
>by the video content creation unit; and*

>*an edit list creation unit for creating a new edit list described in the general-purpose
>data description language based on the editing process executed by the editing
>processor.*

Savoie '051 *fails* to disclose, suggest or teach "*a video content creation unit for creating
the video content by performing an editing process on the plurality of edit material based on the edit
contents of the edit list wherein the video content creation unit creates the video content by
executing the editing process after converting the plurality of edit material into a prescribed edit
format suitable for the editing process and extracting desired video content of the plurality of edit
material based on a plurality of edit point information.*"

Thus, Savoie '051 *fails* to disclose, suggest or teach "*an editing processor for
performing an editing process on the video content created by the video content creation unit; and
an edit list creation unit for creating a new edit list described in the general-purpose data
description language based on the editing process executed by the editing processor.*"

However, the Office Action alleges these features can be found in Fig. 10 and col. 10,
lines 40-45. This is wholly inaccurate.

Savoie '051 relates to processing image data in an on-line editing system. In particular,
the image data editing system is arranged to capture source image clips at full definition in response
to edit decision lists. The system conforms the captured material to produce output image clips in
response to the edit decisions defined in the list used to capture the source material. Association
identifiers are applied to many edit decision lists and the capturing process is configured to capture
all source material for all of the edit decision lists having the same association identifier.

Col. 10, lines 40-45 of Savoie '051 states:

>"At step 1004 a sequence of video images is captured from a video tape in the
>associated bin. At step 1005 a job from one of the loaded EDL's is selected. At step

1006 the job selected at step 1005 is performed. This allows individual EDL jobs to be performed independently of the other logically linked EDL's. A question is asked at step 1007 whether another job in the loaded EDL's is to be performed, if this question is answered in the affirmative then control is passed back to step 1005."

Cleary, Savoie '051 *does not disclose* how a video content creation unit creates video content by executing an editing process *after* converting the plurality of edit material into a prescribed edit format suitable for the editing process *and* extracting desired video content of the plurality of edit material based on a plurality of edit point information.

- **Therefore, Savoie '051 fails to disclose, suggest or teach a video content creation unit for creating the video content by performing an editing process on the plurality of edit material based on the edit contents of the edit list wherein the video content creation unit creates the video content by executing the editing process after converting the plurality of edit material into a prescribed edit format suitable for the editing process and extracting desired video content of the plurality of edit material based on a plurality of edit point information.**

Moreover, the Office Action *admits* Savoie '051 *fails* to disclose, suggest or teach "*an edit list recognition unit for recognizing an edit list describing edit contents in a general-purpose data description language, the edit contents used for creating a series of video content by editing a plurality of edit material,*" but alleges Norton '051 does. Again, this is inaccurate.

Norton '308 does not remedy the deficiencies of Savoie '051, as the various features recited above are also absent form Norton '308. For example, Applicant's claimed features of "*a video content creation unit for creating the video content by performing an editing process on the plurality of edit material based on the edit contents of the edit list wherein the video content creation unit creates the video content by executing the editing process after converting the plurality of edit material into a prescribed edit format suitable for the editing process and extracting desired video content of the plurality of edit material based on a plurality of edit point information,*" are neither disclosed nor suggested by Norton '308.

Norton '308 discloses a system for and method of generating and manipulating edit decision lists which correspond to edit events of a video that have been digitally edited; and particularly relates to systems and methods for managing edit decision lists having dissimilar formats. In particular, Norton '308 discloses a computer-based system for generating a video edit decision list, which tabulates video editing events and video synchronization points corresponding to the video editing events. Norton '308 accepts a sequence of video and audio manipulations produced by a digital video editing system, each manipulation effecting a particular video editing event, and generates, based on the manipulation sequence, a list of video editing events and corresponding synchronization points. Norton '308 then conforms the list to a user-specified format selected from a plurality of video edit decision list format templates, provided by the system, which each specify a model for defining video editing events distinctly in that format, and then the video edit decision list is output in the user-specified format.

There is ***no mention*** of a video content creation unit that creates video content by executing an editing process ***after*** converting the plurality of edit material into a prescribed edit format suitable for the editing process ***and*** extracting desired video content of the plurality of edit material based on a plurality of edit point information in Norton '308.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine editing system of Savoie '051 with the template-based edit decision list management system of Norton '380.

For the reasons stated above, claim6 is also are distinct from Savoie '051 and Norton '380 (although claims 1 and 6 should be interpreted solely based upon the limitations set forth therein). Furthermore, at least for the reason disclosed above, claims 2, 4-5, and 7-8 overcome the combination of Savoie '051 and Norton '380 because they depend on independent claims 1 or 6 and thus incorporate the distinct features therein, as well as for their separately recited patentable distinct features.

Accordingly, Applicant respectfully requests that the rejection of claims 31-2, and 4-8 under 35 U.S.C. § 103(a) as being unpatentable over Savoie '051 in view of Norton '380 be withdrawn.

Conclusion

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2987 from which the undersigned is authorized to draw.

Dated: May 22, 2009

Respectfully submitted,

By_____
Ronald P. Kananen
    Registration No.: 24,104
Christopher M. Tobin
    Registration No.: 40,290
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 23353
Attorneys for Applicant